

APR. 9. 2010 2:53PM

NO. 4963 P. 5

PH Docket No. 130464.46A
Attorney Docket No. 10032-PJJ

RECEIVED
CENTRAL FAX CENTER
APR 09 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2010 APR 12 PM 4:24

In re Application of	:	Ulrich FELDHUES	
Patent No.	:	6,025,490	04/13/2010 DALLIN 00000000 6025490
Issue Date:	:	February 15, 2000	4120.00 0P
Application No.	:	09/022,337	
Filing Date	:	February 11, 1998	
Confirmation No.	:	5568	
Petition Examiner	:	Joanne Burke	

RECEIVED

APR 14 2010

For: PROCESS FOR THE PREPARATION OF SUBSTITUTED 4 4-
DIAMINOSTILBENE-2 2- DISULPHONIC ACIDS

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

**SUPPLEMENTAL PETITION TO ACCEPT AN
UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE UNDER 37 C.F.R. §1.378(C)**

Sir:

Petitioner, Kemira Germany GmbH, filed a Petition to Accept an Unintentionally Delayed Payment of Maintenance Fee on February 4, 2010 for United States Patent No. 6,025,490 (the "490 Patent"). At this time, the undersigned wishes to supplement the Petition by (1) providing an alternative fee payment arrangement and (2) clarifying the relationship between: Petitioner; Lanxess Deutschland GmbH (hereinafter "Lanxess"), formally the Assignee of Record; and the undersigned. The undersigned respectfully submits the following comments for consideration by the Office:

1. The undersigned, Raymond A. Miller, Registration No. 42,891, is a registered United States patent attorney. The undersigned represents Lanxess, the Assignee of Record in the above-identified case. The undersigned previously authorized the Petitioner to charge any required fees against Deposit Account No. 50-0436 in order to obtain revival of the '490 Patent. The undersigned now provides authorization for the charge card payment of: (a) the 7½ year maintenance fee under 37 C.F.R. §1.20(g) in the amount of \$2,480.00 in the above-identified case, and (b) the surcharge under 37 C.F.R. §1.20(i)(2) in the amount of \$1,640.00 in

#12265738 v1

PH Docket No. 130464.46A
Attorney Docket No. 10032-PJJ

the above-identified case, via Credit Card Payment Forms (PTO-2038), which are attached herewith.

2. Lanxess exclusively licensed the '490 Patent to Kemira Germany GmbH (hereinafter "Kemira"), the above-named Petitioner, within a field of use on March 31, 2006. Although Lanxess is still listed as the Assignee of Record for the '490 Patent, Lanxess assigned its rights in the '490 Patent to Tanatex IP B.V. (hereinafter "Tanatex") on December 21, 2006. Tanatex provided an exclusive field-of-use license back to Lanxess as part of the December 21, 2006 assignment in order to enable Lanxess to satisfy its pre-existing obligation to Kemira.

3. It is Lanxess' understanding that Petitioner Kemira was not aware that a maintenance fee payment was due by February 15, 2008 for the '490 Patent and that Petitioner Kemira only recently became aware of the abandonment of the '490 Patent. This is in fact supported by the Petitioner's Petition. According to Lanxess' knowledge, Petitioner Kemira requested that Lanxess assist in reviving the '490 Patent upon becoming aware of the abandonment of the aforementioned patent.

4. Because Petitioner Kemira is a valid exclusive licensee of the '490 Patent, Petitioner Kemira is an "other party of interest" under 37 C.F.R. §1.378(d).

Lanxess, through its attorney, offers the above remarks and information in support for Petitioner's Petition to Accept an Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. §1.378(c) and requests that such Petition be granted.

APR. 9. 2010 2:53PM

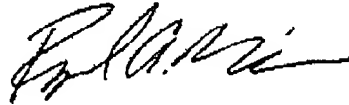
NO. 4963 RECEIVED
CENTRAL FAX CENTER

APR 09 2010

PH Docket No. 130464.46A
Attorney Docket No. 10032-PJJ

The Commissioner is hereby authorized to charge any additional payment of fees
or credit any overpayment or refund to Deposit Account No. 50-0436.

Respectfully submitted,



Raymond A. Miller, Reg. No. 42,891
Attorney for Lanxess Deutschland GmbH

PEPPER HAMILTON LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Phone: (412) 454-5869
Fax: (412) 281-0717
Date: April 9, 2010

#12265738 v1